



Digital, Culture, Media and Sport Committee

House of Commons, London SW1A 0AA

Tel 020 7219 6120 website www.parliament.uk/cmscom

Sir Nick Clegg
Vice President of Global Affairs and Communications
Facebook Inc.
1 Hacker Way
Menlo Park
CA
94025

17 July 2019

Dear Sir Nick,

Request for clarification regarding oral evidence from Facebook

It has come to our attention that Facebook's answer to the Washington DC Attorney General's 'Complaint For Violations Of The Consumer Protection Procedures Act'¹ filed on 8 July 2019 conflicts with oral evidence that this Select Committee and the International Grand Committee on Disinformation have received from Facebook's representatives.

This particularly pertains to the answer to Paragraph 43 of the Attorney General's complaint, which reads:

“Facebook knew of other third-party applications that similarly violated its Platform Policy through selling or improperly using consumer data. Facebook also failed to take reasonable measures to enforce its Platform Policy in connection with other third-party applications and failed to disclose to users when their data was sold or otherwise used in a manner inconsistent with Facebook's policies.”²

In its answer to the complaint, Facebook “denies the allegations in Paragraph 43.”³

However, multiple representatives of Facebook admitted to us on multiple occasions that the company knew of the existence of third-party applications other than 'This Is Your Digital Life' that were in violation of platform policies. They did so by confirming that Facebook had taken action against such applications.

- At the oral evidence session on 26 April 2018, the Select Committee asked Mr. Mike Schroepfer, Chief Technical Officer at Facebook, about his knowledge of the company Palantir and its potentially improper use of Facebook user data. Mr. Schroepfer responded, saying “**We are looking at lots of different things now. Many people have raised that concern and, since that is in the public discourse, it is obviously something else we are looking into.**” Pushed further on whether Palantir is part of the review Facebook is doing, Mr. Schroepfer said “**Correct**”.⁴
- At the first oral evidence session of the International Grand Committee on 27 November 2018, Lord Allan, VP of Policy Solutions at Facebook, said that “**We have taken action against a number of applications that failed to meet our policies. Those policies**

¹ 2018 CA 008715 B DISTRICT OF COLUMBIA vs. FACEBOOK

² Plaintiff's Complaint, p13, §43

³ Defendant's Answer to Plaintiff's Complaint, p.5

⁴ DCMS Committee (26 April 2018), Oral evidence, HC 363, Questions 2338-9 by Damian Collins



Digital, Culture, Media and Sport Committee

House of Commons, London SW1A 0AA

Tel 020 7219 6120 website www.parliament.uk/cmscom

**cover a range of issues, both the behaviour of the application and their use of data
[...] There have been other applications that we have disabled”⁵**

- At a further oral evidence session of the International Grand Committee on 28 May 2019, Mr. Kevin Chan, Global Policy Director at Facebook said that “**If I understand correctly, your question was: Are there other apps that have been banned from the platform for inappropriate use or abuse of the platform? The answer is yes.”⁶**
- The evidence given by both Lord Allan and Mr. Chan mirrors the evidence given by Mr. Zuckerberg to the US Senate in April 2018, where he said, “**As for past activity, I don't have all the examples of apps that we've banned here, but if you would like, I can have my team follow up with you after this.”⁷**

In support of the claim that Facebook has taken action against third-party applications in violation of their platform policies, Lord Allan promised to provide written evidence in the form of a list of applications taken down for policy violations. To this date, the Committee has not received such a list.

Six4Three files & app ‘whitelisting’ agreements

Aside from the oral evidence, in the Six4Three files obtained by this Committee as part of our inquiry demonstrates the lax treatment of abusive apps and their developers by Facebook. This is also shown in Exhibit 19 of the Six4Three files where, back in 2011, Mike Vernal sets out steps to protect the developer community, and Will Cathcart responds by highlighting his worry that, as a result, user protection is undermined.⁸ As this Committee has highlighted in its final report on disinformation and ‘fake news’, **the maintenance of White Lists** gave preferential access for particular apps to features such as ‘persistent authentication, photo upload, video upload, messaging and phonebook connectivity’ through a Private Extended API agreement. Users were likely unaware of the breadth of access of these particular apps, thus constituting an ‘improper use of consumer data’.

Additionally, our report highlighted the US FTC investigation, which found that:

“Some preinstalled apps were able to circumvent users’ privacy settings or platform settings, and to access friends’ information as well as users’ information, such as birthdays and political affiliation, even when the user disabled the platform. For example, Yelp and Rotten Tomatoes would automatically get access to users’ personal information.”⁹

According to our evidence, Facebook whitelisted 5,200 apps, including the taxi app Lyft, Airbnb and Netflix.

As demonstrated above, the evidence provided by representatives of Facebook to this Select Committee and the International Grand Committee as well as the Six4Three files directly

⁵ International Grand Committee (27 Nov 2018), Oral evidence, HC 363, Questions 4137- 8 by Ian Lucas

⁶ International Grand Committee (28 May 2019), Oral evidence, Meeting 153 (Ottawa, Canada), Questions by Ian Lucas

⁷ US Senate Joint Committee Hearing (10 April 2018), ‘Facebook, Social Media Privacy, and the Use & Abuse of Data’

⁸ DCMS Committee (06 Feb 2019), ‘Further selected documents ordered from Six4Three’

⁹ DCMS Committee (14 Feb 2019) ‘Disinformation and ‘fake news’: Final Report’



Digital, Culture, Media and Sport Committee

House of Commons, London SW1A 0AA
Tel 020 7219 6120 website www.parliament.uk/cmscom

contradict with Facebook's answer to Paragraph 43 of the complaint filed against Facebook by the Washington D.C. General Attorney. If the version of events presented in the answer to the lawsuit is correct, this means that the evidence given to this Committee and the International Grand Committee was inaccurate.

We therefore ask you to confirm the truthfulness of the evidence given by Lord Allan and Mr. Chan by providing a list of applications that were taken off the platform in response to platform policy violations, as originally promised in the oral evidence session on 27 November 2018.¹⁰

We request a response by 12 August 2019.

Yours sincerely,

A handwritten signature in black ink that reads "Damian Collins".

Damian Collins MP
Chair, Digital, Culture, Media and Sport Committee

¹⁰ International Grand Committee (27 Nov 2018), Oral evidence, HC 363, Questions 4138 – 42 by Ian Lucas